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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,172	01/20/2004	Gerald C. Kitch	KT-1	2082

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DAVID M. CARTER
CARTER SCHNEDLER & MONTEITH, P.A.
56 CENTRAL AVENUE, SUITE 101
P.O. BOX 2985
ASHVILLE, NC 28802

EXAMINER

VALENTI, ANDREA M

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/761,172	Applicant(s) KITCH, GERALD C.	
	Examiner Andrea M. Valenti	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-10 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the last sentence of the Abstract contains legal phraseology 'means'. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,792,082 to Williamson in view of U.S. Patent No. 4,391,23 to Holland et al.

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Regarding Claims 8, Williamson teaches a pet house and method of assembling, substantially formed from a unitary blank of material, the house being foldable from a collapsed state (Williamson Fig. 3) for shipping and storage to an erect state for use (Williamson Fig. 1); said house comprising a bottom (Williamson #7), said bottom having first, second, third and fourth edges (Williamson #24, 9, 26, 28), first and second side walls attached to one another forming an apex at the top of said house (Williamson #53, 5, 33, 8, 55, 6); said first side wall attached to said first edge of said bottom (Williamson Fig. 2 #53 and 24); first and second end walls (Williamson Fig. 2 #3 and 4); said first end wall having an opening (Williamson Fig. 2 #3) therein to permit the pet to enter and exit said house, said first end wall attached to said third edge of said bottom (Williamson Fig. 2 #3 and 26); said second end wall attached to said fourth edge of said bottom (Williamson Fig. 2 #4 and 28), the first and second end walls are attached to the first and second sidewalls (Williamson Fig. 2 #44, 35, 45, 37, 34, 42, 36, 43).

Williamson is silent on at least one slot in said bottom near said second edge; at least one locking tab extending from said second side wall, said locking tab received in said slot. However, Holland et al teaches attaching a second side wall to the bottom by means of a slot and locking tab (Holland Fig. 7 #38 and 44). It would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely the addition of an alternate old and notoriously well-known fastening/securing means.

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Regarding Claim 9, Williamson as modified teaches first and second extensions (Williamson Fig. 2 #44, 35, 45, 37, 34, 42, 36, 43) attached to said first end wall and third and fourth extensions attached to said second end wall; fastening said first and third extensions to said first side wall; fastening said second and fourth extensions to said second side wall.

Regarding Claim 10, Williamson as modified teaches the locking tab includes a shaft and a head; said head extending into the inside of said house (Holland Fig. 7 # 38, 40, 42 and Fig. 1 #38). Williamson as modified teaches each of said shafts extend around said fourth edge of said bottom (Holland Fig. 1 #38).

Claims 1 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,792,082 to Williamson in view of U.S. Patent No. 4,391,23 to Holland et al and U.S. Patent No. 5,738,477 to McCorkie et al.

Regarding Claims 1, Williamson teaches a pet house and method of assembling, substantially formed from a unitary blank of material, the house being foldable from a collapsed state (Williamson Fig. 3) for shipping and storage to an erect state for use (Williamson Fig. 1); said house comprising a bottom (Williamson #7), said bottom having first, second, third and fourth edges (Williamson #24, 9, 26, 28), first and second side walls attached to one another forming an apex at the top of said house (Williamson #53, 5, 33, 8, 55, 6); said first side wall attached to said first edge of said bottom (Williamson Fig. 2 #53

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and 24); first and second end walls (Williamson Fig. 2 #3 and 4); said first end wall having an opening (Williamson Fig. 2 #3) therein to permit the pet to enter and exit said house, said first end wall attached to said third edge of said bottom (Williamson Fig. 2 #3 and 26); said second end wall attached to said fourth edge of said bottom (Williamson Fig. 2 #4 and 28), the first and second end walls are attached to the first and second sidewalls (Williamson Fig. 2 #44, 35, 45, 37, 34, 42, 36, 43).

Williamson is silent on at least one slot in said bottom near said second edge; at least one locking tab extending from said second side wall, said locking tab received in said slot. However, Holland et al teaches attaching a second side wall to the bottom by means of a slot and locking tab (Holland Fig. 7 #38 and 44). It would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely the addition of an alternate old and notoriously well-known fastening/securing means.

Williamson as modified is silent on a means for attaching said first end wall to said first and second side walls; a means for attaching said second end wall to said first and second side walls. However, McCorkle teaches a means of attaching two panels together (McCorkle Fig. 5 and 6). It would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely an old and well-known alternate equivalent fastening means selected for an labor efficient and secure assembly means.

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Regarding claim 4, Williamson as modified teaches at least one slot and locking tab, but is silent on at least one slot includes a plurality of slots and wherein at least said one locking tab includes a plurality of locking tabs. However, it would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely the duplication of a known part for a multiple effect for a more secure closure along the entire length of the edge.

Regarding Claim 5, Williamson as modified teaches the locking tab includes a shaft and a head; said head extending into the inside of said house (Holland Fig. 7 # 38, 40, 42 and Fig. 1 #38).

Regarding Claim 6, Williamson as modified teaches each of said shafts extend around said fourth edge of said bottom (Holland Fig. 1 #38).

Regarding Claim 7, Williamson as modified teaches each side wall includes a short vertical section and a long section, said long (Williamson Fig. 1 #33 and 38) sections, together are substantially in the shape of two legs of a solid isosceles triangle.

Allowable Subject Matter

Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 4,803,952; U.S. Patent No. 6,662,947; U.S. Patent No. 4,607,784; U.S. Patent No. 1,889,985; U.S. Patent No. 5,184,436; U.S. Patent No. 2,364,836; U.S. Patent Pub. US 2004/0084513; U.S. Patent No. 3,184,146; U.S. Patent No. 3,891,136; U.S. Patent Des. 224,684; French Patent FR 2618050.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrea M. Valenti
Patent Examiner
Art Unit 3643

30 August 2004



Peter M. Poon
Supervisory Patent Examiner
Technology Center 3600